

WTO, Negara Sedang Berkembang dan Gerakan Masyarakat Sipil Global

Poppy S. Winanti*

Abstract

This article aims at addressing the question on the role of global civil society movement and its significance to the WTO and developing countries. The WTO has been criticized as the Rich Man's Club since it primarily serves the benefits of developed countries. The emergence of global civil society movement can be considered as the opportunity to diminish the undesirable effects of the existing trading order. However, the findings show that despite the rapid growth of such a movement, their agendas do not always correspond to the developing countries needs. Some facts even demonstrate that sometimes their activities are conflicting with developing countries main interests.

Kata-kata kunci:

GATT, WTO, globalisasi, embedded liberalism, neo liberal, free trade, resistensi global, gerakan masyarakat sipil global

Adalah suatu pemandangan yang lumrah bahwa aksi massa selalu menyertai setiap pertemuan tingkat tinggi *World Trade Organization* (WTO). Berawal dari pertemuan WTO yang pertama di Singapura pada tahun 1996 dan mencapai puncaknya pada pertemuan

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- *Poppy S. Winanti* adalah staf pengajar jurusan Ilmu Hubungan Internasional, FISIPOL UGM dan program S2 Ilmu Hubungan Internasional UGM. Ia bisa dihubungi melalui e-mail: poppysw@yahoo.com

ketiga di Seattle pada akhir tahun 1999 hingga pertemuan Hong Kong pada akhir tahun 2005 lalu, gelombang demonstrasi tidak pernah lepas mengiringi setiap perhelatan akbar dwi tahunan WTO. Kemunculan aksi massa di setiap pertemuan WTO tersebut menarik untuk dikaji. Bukan saja karena berbeda dengan pendahulunya *General Agreement on Tariffs and Trade* (GATT) yang nyaris luput dari perhatian masyarakat luas, rejim perdagangan di bawah WTO menjadi sorotan publik dan kerap mengundang kontroversi. Namun gelombang gerakan anti WTO juga menarik untuk ditelaah lebih jauh guna menelusuri sejauh mana gerakan tersebut mencerminkan kepentingan negara sedang berkembang (NSB).

Dari GATT menuju WTO

WTO yang lahir pada tahun 1995 merupakan salah satu hasil terpenting dari Putaran Uruguay GATT. Putaran Uruguay yang berlangsung mulai tahun 1986 hingga akhir tahun 1994 merupakan putaran terakhir dan terlama dari GATT. Putaran Uruguay bahkan disebut-sebut sebagai negosiasi perdagangan multilateral paling komprehensif yang pernah berlangsung dan sekaligus menjadi putaran penentu dalam perkembangan rejim perdagangan internasional.

GATT sendiri sesungguhnya tidak pernah dimaksudkan untuk menjadi institusi permanen yang mengelola perdagangan internasional. Namun karena *International Trade Organization* (ITO) yang sedianya menjadi pilar ketiga dari sistem Bretton Woods gagal terbentuk,² GATT kemudian muncul sebagai organisasi internasional *de facto* yang mengurus isu perdagangan internasional. Kegagalan ITO merepresentasi

² "Bretton Woods" system adalah istilah yang digunakan untuk merujuk pada sistem pengelolaan ekonomi politik internasional pasca perang dunia kedua yang merupakan hasil konferensi negara-negara para pemenang PD II yang digelar di Bretton Woods, New Hampshire AS yang antara tahun 1944 - 1947. Salah satu hasil kesepakatan dari konferensi tersebut adalah pembentukan *International Monetary Fund* (IMF) yang bertugas mengelola sistem keuangan dunia dan *International Bank for Reconstruction and Development* (IBRD) yang bertanggung jawab mengurus persoalan rekonstruksi dan pembangunan ekonomi. IBRD kemudian bermetamorfosis menjadi *World Bank* (WB). Sedangkan ITO yang sedianya mengurus isu perdagangan gagal terwujud setelah kongres AS tidak bersedia meratifikasinya.

kan trauma yang berkembang akibat Perang Dunia II. Meletusnya Perang Dunia II disebut-sebut sebagai buah dari praktek liberalisme yang tidak terkontrol dalam sistem ekonomi global pada masa antara Perang Dunia I dan Perang Dunia II (*the inter-war period*). Di samping itu, pertentangan antara kubu internasionalis dan isolasionis dalam politik domestik AS turut berkontribusi pada kegagalan ITO. Sebagai negara kreditor utama dan satu-satunya negara pemenang perang dunia kedua yang tidak mengalami kehancuran total, AS berkepentingan untuk melakukan ekspansi pasar ke dunia internasional. Namun pada saat bersamaan, AS juga berkeinginan agar pasar domestiknya tetap terlindungi dari potensi ekspansi serupa dari negara-negara lain. Dalam kondisi semacam ini, ITO dipandang oleh kalangan isolasionis AS terlalu berpihak pada kaum internasionalis sehingga memunculkan resistensi yang sangat kuat yang berperan bagi gagalnya proses ratifikasi ITO di kongres AS.

Baik trauma akibat Perang Dunia II maupun pertentangan dalam politik domestik AS menyebabkan kebijakan *laissez-faire* murni tidak lagi menjadi pilihan utama dalam pembahasan sistem ekonomi global pasca Perang Dunia II. Gagasan yang mengemuka adalah memadukan kebijakan liberalisme dengan kebijakan nasional yang intervensionis yang dimaksudkan agar negara pada derajat tertentu dimungkinkan untuk membatasi efek negatif dari kekuatan pasar demi kepentingan domestik mereka. Perpaduan antara internasionalisasi perdagangan dan kebijakan nasional yang intervensionis inilah yang disebut oleh Ruggie (1982) sebagai *the embedded liberal compromise* atau yang lebih dikenal sebagai *embedded liberalism*.

Dalam konteks itulah GATT bisa dikatakan sebagai bentuk kompromi dengan semangat *embedded liberalism* yang melekat pada dirinya. Seperti tercermin dalam pernyataan Wolfe (1999: 209) berikut ini: "...GATT as a continuing compromise between open international markets and the development of the domestic welfare state, a compromise that reflected differing visions of how to organize a capitalist economy." Sesuai dengan namanya, jangkuan GATT relatif sempit dan lebih memfokuskan diri pada penurunan tariff barang dan pengurangan hambatan-hambatan lainnya yang dapat mengganggu perdagangan internasional. Sementara isu-isu sensitif seperti pertanian dan tekstil dihindari untuk dibicarakan pada forum-forum negosiasi. Di samping itu meskipun

prinsip non diskriminasi (Most Favored Nations dan national treatment) menjadi landasan namun ketentuan dalam GATT juga memberikan peluang bagi para partisipannya untuk memilih isu yang sesuai dengan kepentingan mereka masing-masing. Dalam hal ini, setiap partisipan berhak untuk menolak menandatangani perjanjian yang dianggap tidak selaras dengan kepentingan nasional mereka. Sehingga dengan kata lain sebagai sebuah hasil kompromi, di dalam GATT terdapat sejumlah ketentuan yang kontradiktif.

Terlepas dari latar belakang kemunculannya, sejarah kemudian membuktikan, bahwa GATT dengan segala keterbatasannya berhasil bertahan sebagai sebuah rejim perdagangan internasional selama kurang lebih lima dasawarsa. Perubahan yang cukup signifikan mulai menampakkan tanda-tandanya pada tahun 1986, ketika putaran Uruguay dimulai. Untuk pertama kalinya putaran perundingan dalam GATT memasukkan kembali isu-isu yang sebelumnya dianggap sebagai isu sensitif seperti isu pertanian dan tekstil. Tidak hanya berhenti sampai di sana, putaran ini juga mengagendakan isu-isu baru lainnya seperti di sektor jasa, investasi, dan hak kekayaan intelektual, untuk dibicarakan dan diatur dalam rejim perdagangan internasional.

Perubahan mekanisme pengambilan keputusan juga menjadi salah satu pokok pembicaraan penting dalam putaran tersebut. Salah satu faktor yang melatarbelakangi perluasan isu dan desakan perubahan dalam tubuh GATT adalah kemunculan negara-negara industri baru. Negara-negara tersebut dianggap tidak lagi berhak menyandang status negara berkembang yang selama ini memiliki kelonggaran dalam menerapkan aturan-aturan GATT. Lebih jauh, negara-negara tersebut juga telah mulai memainkan peranan penting dalam perdagangan internasional dan menjadi pesaing bagi pemain-pemain lama terutama AS. Pemerintah di negara-negara industri baru tersebut dianggap menerapkan perdagangan yang tidak *fair* yang dapat merugikan pesaing-pesaingnya lewat pemberian subsidi, praktek pembajakan, dan bentuk-bentuk proteksionisme lainnya. Dalam konteks ini, GATT dipandang tidak cukup punya gigi untuk memiliki kekuatan memaksa. Oleh karenanya, sebagai respon terhadap perkembangan yang terjadi, negara-negara maju yang dimotori oleh AS mendorong proses perombakan GATT melalui putaran Uruguay.

Putaran Uruguay berhasil diselesaikan pada akhir tahun 1994 dan menghasilkan sejumlah kesepakatan. Secara garis besar, kesepakatan yang dicapai dapat dikategorikan ke dalam tiga aspek: perubahan institusi; perluasan jangkauan isu; dan perubahan mekanisme serta proses. Bentuk nyata dari perubahan institusi adalah pembentukan organisasi permanen dibawah naungan WTO. Jika sebelumnya GATT hanya merupakan wadah negosiasi tanpa menjadi organisasi yang permanen, negara-negara yang terlibat pun hanya disebut sebagai negara partisipan dan bukan negara anggota, maka WTO memiliki karakteristik yang sebaliknya. Dari segi kekuatan hukum, GATT tidak mempunyai kekuatan hukum yang memaksa, mengingat tidak ada kewajiban dari para partisipannya untuk meratifikasi hasil perundingan, sementara ketetapan-ketetapan WTO yang merupakan perjanjian internasional membutuhkan ratifikasi dari negara anggotanya. Perubahan-perubahan institusional ini menunjukkan bahwa WTO dapat disejajarkan dengan organisasi dunia seperti IMF dan Bank Dunia.

Dari segi perluasan isu yang digarap, putaran Uruguay telah memperluas cakupan isu melalui sejumlah kesepakatan seperti *Trade-Related Aspects of Intellectual Property Rights* (TRIPs), *Trade-Related Investment Measures* (TRIMs), *General Agreement on Trade in Services* (GATS), *Agreement on Agriculture* (AoA), dan *Multi-Fibre Arrangement* (MFA). Dengan demikian, rezim perdagangan internasional pasca Putaran Uruguay tidak hanya terkait dengan isu seputar barang komoditi semata namun mencakup isu yang lebih luas dari itu. Konsekuensi dari perluasan isu semacam ini adalah semakin meluas pula golongan dalam masyarakat yang terkena imbasnya. Sehingga bisa dikatakan, rezim perdagangan pasca Putaran Uruguay mengatur dan terkait dengan hampir seluruh aspek kehidupan orang banyak, bukan saja yang bersentuhan langsung dengan isu perdagangan tapi lebih jauh dari itu terkait pula dengan soal lingkungan, kesehatan, serta hak asasi manusia.

Dengan masuknya isu-isu baru tersebut, cakupan WTO tidak lagi sebatas '*border barriers*' yakni tarif dan kuota. Namun, dengan demikian WTO telah merasuk bahkan pada '*behind-the-border*' yakni regulasi-regulasi domestik yang dianggap dapat menghambat perdagangan internasional (Sally, 2004). Lebih jauh, masuknya isu-isu baru tersebut

juga memunculkan apa yang disebut sebagai persoalan harmonisasi. Artinya, setiap negara anggota berkewajiban untuk menyelaraskan aturan-aturan domestik dengan standar internasional tanpa memandang tingkat pembangunan ekonominya. Kondisi ini berbeda dengan aturan-aturan di bawah GATT yang bersifat '*negative*' (*proscriptive*). Artinya, negara-negara anggota dibebaskan melakukan apapun kecuali yang secara tegas dilarang, yakni larangan bagi negara partisipan untuk melakukan kebijakan yang diskriminatif dalam perdagangan internasional. Sedangkan aturan-aturan WTO bersifat '*positive*' (*prescriptions*) yang mengharuskan negara-negara anggota memenuhi dan menjalankan ketentuan-ketentuan yang disepakati. Misalnya, setiap negara anggota diharuskan memiliki aturan perlindungan terhadap hak milik intelektual yang memenuhi standar internasional yang ditetapkan oleh WTO (Sally, 2004). Dengan kata lain, di bawah WTO rejim perdagangan internasional memiliki kekuasaan untuk melakukan intervensi terhadap kebijakan ekonomi politik yang diambil oleh negara-negara anggotanya.

Sementara itu, perubahan dalam mekanisme dan proses dapat dilihat terutama dari tiga hal. Yang pertama perubahan dalam mekanisme pengawasan dan peningkatan transparansi (*surveillance of trading system*), yang kedua perubahan mekanisme pengambilan keputusan (*decision making procedure*), dan yang ketiga perubahan dalam mekanisme penyelesaian persengketaan (*dispute settlement mechanism*). Untuk meningkatkan transparansi, WTO mengadopsi mekanisme yang lebih formal melalui *Trade Policy Review Mechanism* (TPRM) yang memberikan kekuasaan kepada WTO untuk melakukan review terhadap kebijakan dan praktek perdagangan anggotanya secara berkala. Pengadopsian TPRM merefleksikan asumsi bahwa tingginya tingkat transparansi atas kebijakan dan praktek perdagangan anggotanya akan berkontribusi untuk meningkatkan saling pengertian di antara sesama anggota dan sekaligus memperlancar sistem perdagangan (Wolfe, 1999).

Terkait dengan mekanisme pengambilan keputusan, diperkenalkan prinsip yang disebut sebagai *single undertaking*, yang merupakan kode diplomatik bagi "*nothing is agreed until everything is agreed*" (Moon, 2004:28). Dengan kata lain, negara-negara yang terlibat tidak lagi dapat memilih perjanjian-perjanjian mana yang akan mereka tanda tangani atau tidak (Narlikar, 2004). Sehingga, negara-negara anggota tidak

lagi dapat memilah mana perjanjian yang memuat isu yang selaras dengan kepentingannya dan mana yang bisa membawa dampak buruk bagi negaranya. Setiap negara diwajibkan menerima keseluruhan kesepakatan perjanjian atau tidak sama sekali. Keberadaan prinsip *single undertaking* ini membawa implikasi bagi hilangnya kelonggaran-kelonggaran yang sebelumnya dimiliki oleh negara-negara sedang berkembang (Sally, 2004).

Sementara itu, dari segi penyelesaian perselisihan, di bawah *Dispute Settlement Understanding* (DSU) telah dibentuk lembaga peradilan perdagangan internasional (*the Appellate Body*) yang bertanggungjawab menyelesaikan persengketaan yang muncul. Dengan demikian, perselisihan tidak lagi diselesaikan melalui negosiasi seperti yang sudah-sudah namun sekarang di bawa ke lembaga peradilan internasional yang mempunyai kekuatan hukum yang mengikat.³ Perubahan yang mendasar ditandai dengan keputusan yang telah ditetapkan oleh peradilan dianggap memiliki kekuatan hukum dan berlaku bagi negara anggota lainnya. Pelanggaran terhadap ketentuan tersebut akan menyebabkan negara yang bersangkutan terkena sanksi. Dalam konteks ini, mekanisme penyelesaian sengketa semacam ini yang sedianya bertujuan untuk memberikan jaminan kepastian hukum justru dianggap oleh sebagian besar kalangan sebagai ancaman terhadap kedaulatan negara.

Pembentukan *the Appellate Body* diiringi dengan perubahan dari prinsip 'positive consensus' menjadi 'negative consensus'. Dalam 'positive consensus' dimungkinkan bagi negara anggota secara individual untuk memblok pembentukan panel maupun keputusan yang diambil oleh panel. Sedangkan di bawah DSU dengan prinsip 'negative consensus' penolakan terhadap hasil keputusan hanya dimungkinkan jika dilakukan oleh seluruh anggota tanpa kecuali. Seperti yang ditegaskan oleh Lee (2004:124), "All WTO members must agree *not* to establish a panel and agree *not* to adopt a panel or Appellate Report". Dengan demikian melalui mekanisme semacam ini diharapkan tidak lagi mudah bagi negara anggota untuk menolak atau mangkir dari keputusan yang telah ditetapkan.

³ Sebelum dibawa ke lembaga peradilan, negara-negara yang bertikai diberi kesempatan untuk menyelesaikan perselisihan melalui perundingan.

Kelahiran WTO dengan demikian menunjukkan telah beralihnya prinsip *embedded liberalism* kepada prinsip neoliberal yang mengutamakan pasar bebas. Di bawah WTO tidak ada lagi ruang bagi negara untuk menjalankan kebijakan nasionalnya yang intervensionis untuk melindungi kepentingan domestiknya. Perubahan-perubahan semacam inilah yang kemudian memicu munculnya gerakan masyarakat sipil global yang lebih kritis terhadap keberadaan dan aktivitas WTO seperti halnya terhadap dua institusi ekonomi politik global lainnya IMF dan Bank Dunia.

WTO dan Resistensi Global

Ketika WTO secara resmi diberlakukan pada 1 Januari 1995, masih belum banyak kalangan yang menyadari atas apa yang berlangsung di lembaga internasional tersebut. Namun memasuki tahun keempat usianya, WTO tidak lagi dapat diabaikan dari pandangan publik internasional. Aksi massa yang luar biasa besar pada pertemuan tingkat tinggi WTO ketiga yang digelar di Seattle, AS pada tahun 1999, seolah-olah menyentak dunia. Terlebih demonstrasi yang kerap disebut sebagai gerakan anti globalisasi terbesar tersebut justru digelar di jantung kapitalisme, di negara AS.⁴ Terlepas dari perbedaan yang tidak dapat diselesaikan di dalam forum-forum perundingan, aksi massa di luar pertemuan juga kian memperparah situasi dan turut berkontribusi bagi kegagalan pertemuan tersebut yang sedianya akan meluncurkan putaran millennium. Banyak kalangan menyebutkan bahwa aksi massa di Seattle seolah menjadi titik tolak kebangkitan masyarakat global. Mata dunia kemudian tertuju pada apa yang terjadi di WTO, sehingga tidak mengherankan sejak itu pula setiap kali pertemuan tingkat tinggi WTO digelar, aksi massa tidak pernah sepi mengiringinya.

Alasan utama dibalik gerakan resistensi terhadap WTO pada umumnya bermuara pada keyakinan bahwa WTO merupakan representasi dari apa yang disebut sebagai *corporate-led globalization* yang merugikan masyarakat luas (Wallach dan Woodall, 2004). Atas nama *free trade*, WTO cenderung mengakomodir kepentingan korporasi-

⁴ Hoekman dan Kostecki (2001) menyebut aksi demonstrasi di Seattle sebagai gerakan pembangkangan sipil (*civil disobedience*) terbesar di AS sejak era tahun 1960-an.

korporasi besar dunia dan mengabaikan kebutuhan sebagian besar rakyat pada umumnya. Bukan saja dianggap bertanggung jawab atas kemiskinan dan kesenjangan yang makin meningkat, WTO juga dituding menomorduakan masalah lingkungan, perlindungan buruh, kesehatan, dan hak asasi manusia manusia dibandingkan dengan ekspansi pasar korporasi besar dunia.

Data yang berhasil dikumpulkan oleh Public Citizen, NGO asal AS yang getol mengkritisi WTO dan menjadi salah satu motor aksi massa Seattle, menunjukkan bahwa sejak WTO diberlakukan jumlah orang miskin yang hidup di bawah 1 dollar AS per hari⁵ meningkat tajam. Kondisi ini diperparah dengan semakin tingginya tingkat kesenjangan antara negara-negara kaya dan negara-negara miskin dalam kurun waktu 10 tahun terakhir. Pendapatan rata-rata orang yang tinggal di 10 negara paling kaya di dunia pada tahun 1980 adalah 77 kali lebih besar dibanding mereka yang tinggal di 10 negara termiskin di dunia, dan pada tahun 1999 angka tersebut melonjak menjadi 122 kali lebih besar (Wallach dan Woodall, 2004).

Ketiadaan aturan tegas dalam WTO yang menjamin hak-hak dasar buruh menjadi salah satu pemicu munculnya aksi protes dari organisasi-organisasi buruh dunia (Wilkinson, 2002). Pada isu ini perbedaan kepentingan antara negara-negara industri maju (NIM) dan NSB cukup menonjol. Organisasi buruh yang berbasis di negara Barat seperti *International Confederation of Free Trade Unions* (ICFTU) dan *Trade Union Advisory Council* (TUAC) giat mengkampanyekan dimasukkannya isu perlindungan hak-hak dasar buruh dalam WTO. Sementara organisasi buruh yang berasal dari negara-negara seperti India, Korea, dan Brazil menolak keterlibatan WTO dalam isu perlindungan buruh. Sesungguhnya negara-negara Selatan tersebut sepakat akan pentingnya perlindungan bagi hak-hak dasar buruh, namun kekhawatiran terbesar mereka adalah pemanfaatan isu perlindungan buruh sebagai bentuk proteksionisme baru oleh NIM (Wilkinson, 2002).

Kondisi yang hampir serupa dapat ditemukan dalam isu lingkungan. Pembentukan WTO dianggap gagal mengakomodir tuntutan perlindungan terhadap lingkungan. Satu-satunya ketentuan yang terkait dengan lingkungan adalah ketentuan warisan GATT

⁵ 1 Dollar AS per hari merupakan batasan yang ditetapkan oleh Bank Dunia untuk mengukur batas kemiskinan yang ekstrim.

(article XX) klausul 'general exceptions' yang menyebutkan bahwa dalam kondisi tertentu dimungkinkan diberlakukannya restriksi perdagangan jika diperlukan untuk kepentingan kesehatan manusia, hewan, tumbuhan dan lingkungan hidup, itu pun sejauh tidak menimbulkan praktek diskriminasi terhadap negara lain (Brack, 2004). Absennya aturan yang tegas dan jelas mengenai lingkungan dipertajam oleh kegagalan *WTO's Committee on Trade and Environment* (CTE) dalam mendorong perubahan yang substansial agar pembicaraan dalam forum-forum negosiasi menimbang keterkaitan antara perdagangan dan isu lingkungan (Wilkinson, 2002). WTO juga banyak dikritik akibat keputusan-keputusan yang diambilnya membawa konsekuensi yang buruk terhadap lingkungan. Kasus-kasus seperti 'shrimp-turtle' dan 'tuna-dolphin' serta 'hormonally modified beef' merupakan contoh-contoh penyelesaian sengketa yang menjadi bukti pengutamaan liberalisasi perdagangan di atas perlindungan lingkungan.⁶

Kontroversi soal perlindungan lingkungan juga muncul terkait dengan TRIPS. Ketentuan dalam TRIPS yang mengatur tentang hak paten atas inovasi dalam bioteknologi dan kodifikasi hak paten tersebut dalam hukum internasional mengkhawatirkan banyak pihak. Kekhawatiran tersebut terutama bersumber pada kondisi bahwa WTO terlalu cepat memberikan perlindungan hukum bagi penemuan-penemuan ilmiah yang berpotensi merusak kehidupan manusia dan hewan serta lingkungan hidup (Wilkinson, 2002).

Kian meningkatnya kesenjangan antara negara-negara Utara dan negara-negara Selatan juga menjadi salah satu sumber kritik terhadap WTO.⁷ Ketiadaan pendekatan yang komprehensif dalam

⁶ 'Shrimp-turtle' adalah sengketa antara AS dan India, Malaysia, Pakistan dan Thailand. Pemerintah AS yang melarang impor udang dari keempat negara tersebut dianggap telah melakukan kebijakan diskriminatif yang melanggar ketentuan WTO. Kasus yang hampir serupa adalah 'tuna-dolphin', kasus yang merupakan sengketa antara pemerintah Meksiko dan AS ini sebenarnya merupakan warisan GATT (Wallach dan Woodall, 2004). Sedangkan 'hormonally modified beef' terkait dengan Kebijakan Uni Eropa yang melarang impor daging sapi dari AS yang dianggap tidak sesuai dengan ketentuan kesehatan Uni Eropa dinilai sebagai kebijakan yang diskriminatif (Wilkinson, 2002).

⁷ Meskipun jika dibandingkan dengan isu perlindungan buruh dan lingkungan, isu kesenjangan ini tidak terlalu menjadi sorotan media terutama media Barat.

WTO untuk menangani masalah-masalah pembangunan negara-negara Selatan menjadi salah satu pokok persoalan. Lemahnya representasi politik, tidak memadainya tenaga ahli baik teknis maupun hukum yang dimiliki negara Selatan, serta kekuatan yang asimetris antara negara Utara dan Selatan dalam forum-forum perundingan merupakan beberapa bukti kesenjangan antara Utara dan Selatan dalam WTO. Kondisi ini diperparah dengan diadopsinya isu-isu baru (TRIPS, TRIMS, dan GATS) yang berpeluang memberikan akses negatif bagi pembangunan di negara-negara Selatan (Wilkinson, 2002). Tidak mengherankan jika WTO kemudian diidentikkan sebagai sebuah bentuk kolonisasi baru.

Di samping isu lingkungan, buruh, dan pembangunan, proses pengambilan keputusan WTO juga kerap dikritik sebagai tidak transparan, tidak akuntabel, dan tidak demokratis. Kenyataan bahwa WTO merupakan lembaga dengan prinsip 'one state, one vote' tidak menjamin bahwa WTO menjadi lembaga yang demokratis.⁸ Pengambilan keputusan dalam WTO lebih banyak didasarkan pada konsensus yang berarti keputusan akan dicapai jika tidak ada suara yang menolak dari anggota-anggota yang hadir. Seperti yang tertuang dalam article IX WTO yang menyebutkan: "*consensus is reached 'if no member, present at the meeting in which the decision is taken, formally objects to the proposed decision'*" (Narlikar, 2004: 135).⁹ Lebih jauh dalam prakteknya, keputusan biasanya diambil lewat pertemuan-pertemuan informal yang hanya melibatkan kalangan terbatas dan didominasi oleh negara-negara industri maju. Meskipun pertemuan semacam ini bukan merupakan bagian dari prosedur formal WTO namun ia memainkan peranan penting tidak hanya dalam hal menentukan arah dan agenda namun juga hasil dari perundingan-perundingan formal yang berlangsung. Pertemuan informal yang kerap menjadi sorotan

⁸ Untuk menunjukkan bahwa WTO merupakan lembaga yang demokratis, prinsip *one state one vote* dalam WTO seringkali dibandingkan dengan mekanisme pengambilan suara dalam IMF yang didasarkan pada kekuatan finansial negara anggotanya.

⁹ Pengambilan keputusan secara konsensus di bawah WTO didasarkan pada *negative consensus* berbeda dengan *positive consensus* yang diterapkan di bawah GATT. Lihat penjelasan yang terkait dengan DSU pada tulisan ini.

adalah yang disebut sebagai *green room meetings*¹⁰, yakni pertemuan yang dihadiri oleh kalangan terbatas, biasanya atas undangan sekretaris jenderal WTO atau ketua kelompok negosiasi. Keberadaan pertemuan seperti inilah yang menjadi sasaran kritik dari aktivis-aktivis NGO sebagai *illegitimate* (Jawara dan Kwa, 2003).

Terkait dengan mekanisme pengambilan keputusan ini, dapat disimpulkan beberapa aspek yang menjadi sorotan publik antara lain adalah (Wilkinson, 2002): (1) aktivitas WTO yang tertutup dari pengawasan publik (2) kepentingan NIM yang sangat dominan dalam forum-forum negosiasi (3) MNCs menikmati akses yang relatif tidak terbatas dan karenanya memiliki pengaruh yang sangat kuat dalam forum-forum perundingan (4) kepentingan yang ada dalam WTO tidak mewakili kepentingan kelompok yang menjadi korban dari meningkatnya liberalisasi perdagangan dan proses produksi.

Dari pemaparan sebelumnya tampak bahwa tuntutan dan alasan kemunculan aksi massa yang menentang WTO sangat beragam. Keragaman ini mencerminkan perbedaan latar belakang konstituen yang mereka perjuangkan, lingkup geografis yang digarap, konteks kultural, agenda, tujuan, dan strategi yang dikembangkan (Scholte, 2004). Karenanya generalisasi yang serampangan akan mengakibatkan penyederhanaan persoalan yang sebenarnya jauh lebih kompleks. Salah satu upaya untuk menghindari generalisasi yang menyesatkan adalah dengan mengelompokkan organisasi masyarakat sipil tersebut berdasarkan ideologi yang mereka anut. Untuk itu setidaknya dapat dibedakan tiga kelompok organisasi masyarakat sipil seperti yang tampak dalam tabel berikut ini:

¹⁰ Sebutan ini muncul karena pertemuan semacam ini biasanya diselenggarakan di dalam ruangan Sekjen WTO yang berwarna hijau (Jawara dan Kwa, 2003).

Tabel 1
Organisasi Masyarakat Sipil dan Sikap terhadap WTO

Tipe	Sikap	Karakteristik Organisasi	Organisasi
<i>Conformists</i>	Meskipun mengkritisi beberapa aspek dari WTO, mereka merupakan pendukung perdagangan bebas	Organisasi-organisasi yang merepresentasikan kepentingan kelompok bisnis dan lembaga riset ekonomi	Asosiasi korporasi bisnis seperti International Chamber of Commerce (ICC), European Round Table of Industrialists; lembaga-lembaga riset ekonomi seperti lembaga <i>think tank</i> yang berbasis di Inggris Royal Institute of International Affairs (RIIA), Brookings Institution, Institute for International Economics AS, dan International Law Association Committee on International Trade (LACIT)
<i>Reformists</i>	Menyadari pentingnya keberadaan rejim perdagangan global namun menganggap perlu adanya reformasi aturan dan prosedur dalam WTO. Perbaikan perlu dilakukan mengingat adanya dampak negatif dari aturan dan prosedur yang berlaku sekarang terutama terkait dengan isu kondisi buruh, degradasi lingkungan, ketimpangan pembangunan, perlindungan konsumen, dan ketimpangan gender.	Organisasi buruh dan organisasi yang bergerak di bidang perlindungan lingkungan, kesetaraan gender, serta isu-isu pembangunan	ICFTU, World Confederation of Labour (WCL), Washington-based International Labor Rights Fund, Montreal-based NGO Rights & Democracy; the Brussels-based SOLIDAR alliance, Oxfam, Christian Aid, World Wide Fund for Nature (WWF), Harare-based International South Group Network (ISGN), Brazilian Institute for Social and Economic Analysis (IBASE), North-South Institute (NSI, Ottawa), International Institute for Sustainable Development (IISD), Centre for International Environmental Law (CIEL); UK-based Consumers International, India-based Consumers Unity and Trust Society (CUTS), New-York based Women's Environment and Development Organization (WEDO), the Brussels-based campaign Women in Development Europe (WIDE).
<i>Radicals</i>	Tidak hanya sebagai penentang WTO dan menuntut pembubarannya, tetapi juga merupakan penentang globalisasi dan liberalisasi ekonomi.	Organisasi anti globalisasi	People's Global Action (PGA), Globalise Resistance, GATT Watch, dan Third World Network

Sumber: diolah dari Wilkinson (2002), Scholte (2004), Williams (2005).

Kepentingan NSB dan Gerakan Masyarakat Sipil Global

Dari uraian sebelumnya terlihat bahwa aksi massa di setiap pertemuan tingkat tinggi WTO digerakkan oleh organisasi masyarakat sipil internasional dengan beragam kepentingan. Namun sejauh mana aktivitas yang dilakukan oleh organisasi masyarakat sipil tersebut mencerminkan kepentingan NSB? Pertanyaan ini penting untuk dikaji mengingat dua pertiga dari 148 anggota WTO saat ini adalah NSB. Oleh karenanya, persoalan NSB tidak dapat diabaikan dari pembicaraan mengenai gerakan masyarakat sipil dan resistensinya terhadap WTO.

Perubahan-perubahan dari GATT ke WTO yang tercermin dari perubahan institusional, perluasan isu, dan perubahan dalam mekanisme pengambilan keputusan dan penyelesaian sengketa turut membawa dampak yang signifikan bagi NSB. NSB tidak lagi memiliki keleluasaan lewat pemberlakuan prinsip *single undertaking*. NSB juga dipaksa untuk mereformasi regulasi domestiknya akibat adanya harmonisasi dan standarisasi aturan internasional. Lebih jauh, NSB juga masih harus menghadapi persoalan klasik mereka yang terkait dengan keterbatasan perwakilan dan tenaga ahli sehingga tidak dapat memanfaatkan forum-forum negosiasi secara optimal. Jumlah staf perwakilan merupakan *variable* yang signifikan mengingat jumlah pertemuan yang diselenggarakan oleh WTO mencapai angka yang fantastis. Setiap tahunnya tidak kurang dari 400 pertemuan formal dan 500 pertemuan informal digelar yang ditambah dengan kegiatan seperti *workshop*, *seminar* dan *simposium* yang seringkali berlangsung secara *parallel* (Jawara dan Kwa, 2003). Jangankan untuk bersuara menyampaikan kepentingan mereka, hadir pun sulit akibat keterbatasan staf perwakilan yang mereka miliki. Bahkan, sebagian besar negara yang dikategorikan *least developed countries* (LDCs) seperti Congo, Malawi, Mozambique, Mali, tidak memiliki perwakilan sama sekali di WTO. Sementara, hampir semua NSB tidak memiliki staf perwakilan yang hanya khusus untuk menangani WTO melainkan juga menjadi staf perwakilan lembaga-lembaga internasional lain yang berbasis di jenewa kecuali Malaysia, India, Thailand, Chile, Panama, El Salvador, dan Honduras (Jawara dan Kwa, 2003).

Dengan segala keterbatasan yang melekat pada diri mereka, keterlibatan NSB dalam WTO tidak dapat dilepaskan dari tujuan-

tujuan domestik mereka yang terkait dengan kebutuhan pembangunan ekonomi, pengentasan kemiskinan, dan pencapaian stabilitas sosial politiknya. Untuk itu, harapan besar yang ingin dicapai melalui WTO antara lain adalah mendapatkan akses terhadap pasar NIM terutama bagi produk-produk unggulan mereka seperti hasil pertanian dan tekstil, serta kesempatan untuk melakukan alih teknologi, menerima arus modal dan investasi asing. Sayang sekali, apa yang menjadi kebutuhan utama NSB seringkali tidak dapat terpenuhi dan berbenturan dengan kepentingan NIM. Salah satu contoh yang paling nyata adalah kesediaan NSB untuk menerima perluasan isu dalam TRIPS, TRIMS, dan GATS. Kesediaan NSB untuk menerima perluasan isu-isu baru tersebut disertai dengan harapan pemberian konsesi dibukanya akses pasar bagi produk-produk pertanian mereka yang hingga pertemuan WTO yang terakhir di Hongkong pada tahun 2005 lalu masih belum terwujud. Kenyataan pahit yang harus ditanggung oleh NSB ketika sejak putaran Uruguay mereka harus terus menerus menerima janji-janji kosong dari NIM untuk membuka pasar bagi produk pertanian mereka. Seperti yang diungkapkan oleh Narlikar (2004, p. 138): "...they [developing countries] had agreed to the Uruguay Round in return for concession on agriculture, textiles ...; they have now agreed to the Doha Round in return for a fulfilment of the same promises of the Uruguay Round" (Narlikar, 2004).

Ketegangan antara NSB dan NIM tersebut tercermin pada pertemuan tingkat tinggi di Singapura pada tahun 1996. Ketika itu, disamping isu buruh dan lingkungan, NIM mengusulkan dimasukkannya isu-isu baru yang kemudian dikenal sebagai 'Singapore issues' yang terdiri dari investasi, fasilitasi perdagangan, kompetisi, dan transparansi dalam belanja anggaran pemerintah. NSB memandang dimasukkannya isu-isu baru tersebut hanya merupakan akal bulus dari NIM yang ingin mengalihkan agenda pembicaraan. Mengingat pada saat bersamaan, NIM tetap enggan untuk membuka pasar pertanian domestik mereka sebagaimana yang telah mereka janjikan sejak Putaran Uruguay. Pertentangan antara NSB dan NIM terus berlanjut hingga pertemuan di Seattle tahun 1999 ketika NIM kembali mengusulkan dimasukkannya isu perlindungan buruh dan masalah lingkungan dalam agenda perundingan. Pada saat yang sama, di luar arena perundingan aksi massa yang diikuti oleh sekitar 30.000 aktivis lingkungan, agama, dan perserikatan buruh menuntut dihentikannya

perundingan karena mereka menganggap bahwa WTO telah membawa kerusakan pada lingkungan dan menghalalkan eksploitasi buruh (Hoekman dan Kostecki, 2001). Aksi massa di Seattle tersebut kian memperuncing pertentangan antara NIM dan NSB. Sebagian besar NSB memandang kepentingan yang disuarakan oleh organisasi masyarakat sipil dan kelompok-kelompok pelobi lainnya yang berbasiskan di NIM memiliki kepentingan yang jauh berbeda dengan kepentingan masyarakat miskin di sebagian besar belahan bumi lain.

Dari penjelasan tersebut dapat disimpulkan bahwa posisi NSB dalam WTO masih rentan karena agenda dan kebijakan-kebijakan yang dikeluarkan oleh WTO seringkali tidak selaras dengan kepentingan dan kondisi sosial politik NSB. Kondisi ini tentu saja diperparah dengan kelemahan-kelemahan inheren yang ada dalam NSB yang semakin memperlemah posisi mereka dalam forum-forum negosiasi WTO. Pada saat yang sama tuntutan-tuntutan yang diajukan oleh organisasi masyarakat sipil lewat aksi-aksi massanya sering kali justru tidak sejalan dengan kepentingan NSB. Pertanyaan menarik yang perlu mendapat perhatian adalah mengapa tuntutan aksi massa tersebut seringkali tidak sejalan dengan kepentingan NSB? Salah satu penjelasannya bisa ditemukan pada argumen Scholte (2000) yang mengemukakan bahwa gerakan masyarakat sipil global masih didominasi oleh warga yang tinggal di negara maju sementara baik mereka yang berasal dari NSB maupun negara-negara transisi ekonomi tidak menikmati akses yang sama. Lebih jauh Scholte et.al (1999) mempertegas bahwa terlepas dari semakin meningkatnya peran organisasi masyarakat sipil dalam ekonomi politik global, peran tersebut masih diwarnai sejumlah persoalan. Salah satu persoalan mendasar adalah tidak adanya keterwakilan yang memadai jika dilihat dari segi kelas, kebangsaan, ras, dan agama dari gerakan tersebut yang akibatnya justru akan mereproduksi ketimpangan struktural dalam ekonomi dunia.¹¹

Hal senada juga disampaikan oleh Bello (2001) yang menyatakan ketimpangan antara Utara-Selatan juga muncul dalam gerakan masyarakat sipil global. Organisasi masyarakat sipil yang berbasiskan di Utara cenderung fokus pada isu tunggal seperti hak asasi manusia atau lingkungan. Sementara, organisasi masyarakat sipil yang

¹¹ Diskusi lebih jauh tentang peran organisasi masyarakat sipil and kepentingan NSB lihat Poppy S. Winanti (2005).

berbasiskan di Selatan melihat persoalan secara lebih komprehensif yang mengkaitkan masalah lingkungan dengan persoalan ketimpangan sosial, pembangunan, kedaulatan nasional, dan demokrasi. Kadangkala, misalnya, organisasi masyarakat sipil di Utara sekedar memperjuangkan bagaimana menurunkan kadar emisi gas, sementara organisasi masyarakat sipil di Selatan memedulikan upaya penurunan kadar karbondioksida tidak berbenturan dengan tujuan-tujuan pembangunan lainnya. Pada saat yang sama, organisasi masyarakat sipil di Selatan memperjuangkan bagaimana standarisasi perlindungan terhadap hak buruh dan lingkungan oleh negara-negara Utara tidak menjadi sebuah mekanisme proteksionisme baru bagi negara-negara tersebut untuk menentang masuknya produk-produk dari negara-negara berkembang (Bello, 2001). Mengingat aksi massa di setiap pertemuan WTO didominasi oleh organisasi masyarakat sipil yang berbasiskan di Utara, karenanya tidak mengherankan jika kemudian gerakan resistensi terhadap WTO lebih banyak mewakili kepentingan masyarakat NIM.¹²

Kesimpulan

Meskipun WTO dibangun sebagai pilar liberalisasi perdagangan namun dalam prakteknya, WTO terjebak dalam apa yang disebut Finger dan Schuler (2000) sebagai 'mercantilist ethic'. Negara-negara maju kerap menerapkan kebijakan yang berstandar ganda. Mereka mengedepankan perdagangan bebas jika hanya menguntungkan kepentingan mereka dan menjadi sangat proteksionis lewat berbagai cara ketika pendulum keuntungan bergulir pada negara-negara berkembang (Balaam dan Veseth, 2005). Seperti yang disampaikan Balaam (2004), meskipun secara formal AS telah menerapkan kebijakan perdagangan bebas sejak tahun 1934, namun sektor pertanian selalu menjadi industri yang diproteksi lewat berbagai cara. Kebijakan yang diterapkan AS tersebut kian menegaskan standar ganda yang kerap dipakai oleh

¹² Dari tabel Organisasi Masyarakat Sipil dan Sikap terhadap WTO tampak jelas bahwa hampir seluruh organisasi masyarakat sipil yang ada berbasiskan di negara-negara maju terutama AS, Inggris dan negara-negara Eropa Barat lainnya. Hanya sedikit organisasi seperti CUTS yang berbasis di India, Third World Network yang berbasis di Malaysia, ISGN dari Zimbabwe, dan IBASE dari Brazil yang berasal dari negara berkembang.

negara-negara maju. Dominasi negara-negara maju lewat tekanan ekonomi dan politik tersebut diperparah dengan institusionalisasi akses korporasi besar dunia terhadap pasar dan sumber daya negara berkembang. Proses marginalisasi terhadap negara-negara berkembang yang berlangsung secara terus-menerus merupakan bukti nyata praktek merkantilisme dalam topeng liberalisasi.

Dalam kondisi semacam ini, kemunculan gerakan masyarakat sipil global yang kritis terhadap WTO seolah menjanjikan setitik harapan bagi perubahan dalam rejim perdagangan internasional yang lebih berpihak pada kepentingan NSB. Akan tetapi, kemunculan gerakan masyarakat sipil global yang sebagian besar berbasis di negara maju pada kenyataannya justru kian mempertajam pertentangan antara NIM dan NSB di dalam WTO. Aksi massa yang digelar oleh organisasi masyarakat sipil internasional dalam setiap pertemuan WTO lebih banyak didorong oleh kepentingan dan kebutuhan masyarakat NIM ketimbang kebutuhan dan kepentingan yang berakar dari kondisi masyarakat di NSB. Isu lingkungan dan isu perlindungan buruh lebih populer disuarakan oleh aktivis organisasi masyarakat sipil internasional ketimbang isu-isu yang terkait dengan pembangunan, kemiskinan, dan ketimpangan dalam perdagangan internasional yang menjadi persoalan mendasar bagi NSB. Oleh karena itu, ditinjau dari kepentingan NSB tidak selamanya aktivitas organisasi masyarakat sipil dan gerakan resistensi terhadap WTO mencerminkan kepentingan NSB dalam rejim perdagangan internasional. Bahkan pengalaman menunjukkan, tuntutan dan aksi massa yang digelar justru bertentangan dengan kepentingan negara berkembang seperti yang terutama tampak pada aksi massa di Seattle tahun 1999.*****

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Forced Migration, Social Violence, and Societal Insecurity*

Muhammad Najib Azca *

Abstrak

Makalah ini akan mendiskusikan isu-isu pengungsian (forced migration), kekerasan sosial, dan ke(tidak)amanan warga di Indonesia, dan bagaimana saling keterkaitan antara ketiganya baik secara teoritis maupun empiris. Makalah ini berpendapat bahwa fenomena pengungsian dapat dilihat dari perspektif lensa-ganda: dari satu sisi, sebagai korban dan akibat dari kekerasan sosial; dari sisi lain, sebagai penyebab dari kekerasan sosial (baru) dan sumber dari ketidakamanan masyarakat. Dari perspektif lensa-ganda tersebut, makalah ini akan mendiskusikan fenomena pengungsian sebagai sekaligus akibat dan penyebab dari kekerasan sosial, serta indikator dan sumber dari ketidak-amanan warga di Indonesia. Paper ini berpendapat bahwa secara teoritis, kekerasan sosial acap kali menyebabkan pengungsian dan bisa jadi mengakibatkan kekerasan sosial (lainnya) untuk terjadi. Sebuah observasi di

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 - **Muhammad Najib Azca** is Lecturer at Department of Sociology and researcher at the Center for Security and Peace Studies (CSPS), Gadjah Mada University, Jogjakarta. He is a PhD candidates at University of Amsterdam, Netherland. e-mail: najib.azca@gadjahmada.edu

aras nasional menggambarkan bahwa peningkatan angka pengungsian yang disebabkan oleh maraknya kekerasan sosial dan ketidakamanan warga pada era transisi demokrasi, meskipun perlu pembuktian lebih lanjut. Pada aras lokal, seperti terlihat pada studi kasus di Ambon-Maluku dan Timor Barat-Nusat Tenggara Timur, menyokong tesis bahwa peningkatan angka pengungsian telah menghasilkan bertumbuhnya ketidakamanan warga dan kekerasan sosial.

Kata-kata kunci:

Forced Migration; Social Violence; Transition to S. Democracy; local conflict

Forced migration, social violence are highly related to problems of societal (in)security in Indonesia. This article aims to understand how they relate each other, given controversy among the scholar on that issue. Lloyd Axworthy, Canadian Minister of Foreign Affairs, on the other hand, argues that human security 'recognises the link between environmental degradation, population growth, ethnic conflict and forced migration'. Maluwa (Milner: 2000, p. 11) in his writing underlines the importance to ask whether the refugee problem is simply a consequence and manifestation of the lack of peace and security or the root causes of insecurity? But for Milner (2000), forced migration is as a consequence, not as a cause, of insecurity. Forced migration is commonly conceived of as a dependent variable, and security as the independent variable. However, by referring to UNHCR (1997) as demonstrated by the case of the GLR (the Great Lakes Region of Central Africa), Milner contends that forced migration is not simply a consequence of conflict and violence but it is also a primary cause.

Milner (2000, p. 12) suggest that, "security/insecurity is defined in relation to vulnerabilities... that threaten or have potentials to bring down or weaken the state structures." He therefore argues that, forced migration is a *cause* of insecurity. It has the potentials to 'bring down' or 'weaken' state structures.

By employing such dual-lens perspective this paper aims to uncover complexity of the issue of insecurity in Indonesia. This article argues that forced migration can be seen both as consequence and ca

suality of social violence, and even serve as indicator of societal insecurity. It could be treated as cause of (new) social violence and a source of societal insecurity. It begin with clarification of key concepts under scrutiny. It will then analyze empirical evidences obtained both at national level as well as at local level. Two cases of conflicts: namely communal violence in Ambon, Maluku, and the post 'self-determinism' violence in West Timor, Nusa Tenggara Timur (NTT) will be presented to serve that purpose.

1. Clarifying the Concepts

Both Internally Displaced Persons (IDPs) and refugee are refer to notion of 'forced migration'. They usually takes place in some conflict and post conflict areas in Indonesia.¹ Castles (2004) defines 'forced migrant' as "people forced to flee their homes, due to war, violence, persecution or destruction of their condition of life". It also means 'reactive' migration, as opposite to 'proactive' one (Anthony Richmond in Turton: 2003a, p. 9). The term refers 'involuntary' nature of the action. It implies that the actors have less choice, less options to migrate. The only thing distinguished IDP from refugee is the fact that it takes place within an internationally-recognised state border. According to UN Office for the Coordination of Humanitarian Affairs (OCHA) in the 'Guiding Principles on Internal Displacement' IDP is:

Persons or groups of persons who have been forced or obliged to flee of to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the affects of armed conflict, situations of generalised violence, violation human right or natural disasters, and who have not crossed an internationally recognised State border' (Turton 2003b, p. 15)

IDP is slightly different from refugee. The 1951 Covention on the Status of Refugees and its 1967 Protocol define refugee based on two main criteria: persecution and alienation. Thus a refugee, as formu-

¹ On this paper term *forced migrant and forced migration* will be used interchangeably with terms of IDP and refugee in accordance to its own contexts.

lated Turton (2003a, p. 13) suggest is, "a person who has crossed an international border because of a 'well-founded fear of being persecuted' in his or her state of origin". The IDPs then also become the concern of the UNHCR even though they have not crossed an international border. IDPs are persons within a 'refugee like' situation. They have moved because of war, violence and/or human right violations. They are outside the protection of their own governments, even if within its borders. The generally accepted definition of IDPs, however, does not include development displacees (forced resettlers) nor disaster displacees since these are technically still under the protection of their own government and therefore not in a 'refugee like situation' (Turton (2003a, p. 13-4),

The issue of IDP and its relation to insecurity is interesting to analyse. First, they both relate to social conflict and conflict has its own dynamic. We are experiencing a shift from ordinary conflict to war, from "inter-state" war to "intra-state" war, as well as from "old wars" to "new wars" (Kaldor 2001).² In such new cases civilian casualties are much higher than combatant ones. The number of IDPs increased significantly rather than the refugees. For example, in 1999 alone the number of refugees turned up to 600,000 people whereas the number of IDPs inclined to 4 million people (USRC 2000 as quoted by Fitrianita & Aswatini, 2003, p. 10).

Distinction between IDP and refugee is not always that easy to establish. In most cases, people move their hometowns/lands to another place within the national border was labelled as 'IDPs'. But let's take a look at Indonesian experience. There were massive refugee when people from East Timor move to West Timor prior to and following referendum of self-determination in 1999. As the pro-independent won, East Timor earned a state as an independent state. A new "internationally recognised State border" between Indonesia and East Timor was drawn

² According to Kaldor (2001, p. 6-9), "new wars" can be distinguished from "old wars" as its goal is the matter of identity politics rather than ideology and geopolitics; involves various type of groups such as paramilitary units, local warlord, criminal gangs rather than hierarchical military units; and most casualties are civilians rather than combatants.

up. In the aftermath of the 1999 ballot, the status of people were shifted from 'IDP' to 'refugee' even though they were not migrating.³

Second, there has been shifting of the meaning and hence the interest within the study of security (and insecurity). During the Cold War, the literature of international relations was dominated by a specific understanding of security (Ayoob in Milner; 2000, p. 10). It was based on two major assumption. (1) Most threats to a state's security arise from outside its borders; (2) Threats are primarily, if not exclusively, military in nature and usually require a military response. During that period, the security of the states had become the major concern and main concept in dealing with the issue of security. This understanding, has a uphold as long as the nation state, i.e. of the order of 350 years, referring to the Treaties of Wesphalia in 1648 (Lodgaard: 1999). The objective of national security policy basically is to defend the territorial integrity of the state and the freedom to determine one's own form of government.

In the post Cold War, new approach to security has emerged. The focus and concern were shifted from the state to the people and the society. The prominence of the new approach was marked with the use of specific phrase such as "human security". This notion is commonly associated with the 1994 UNDP Human Development Report. Such reconceptualization eventually leads to the dual meaning of security, namely "state security" and "human security". The latter is synonymous with that of "the security of people" and "societal security". The objective of human security is the safety and survival of people, with the individual is the unit of account (Lodgaard, 1999).

Human security, however, does not displace national security (Axworthy: 1999). Human security perspective emphasizes that security of the state is not an end in itself. It, instead, is a means of ensuring security for its people. In this context, state security and human security are mutually supportive. Together, human security and human development adress the twin objectives of freedom from fear and freedom from want. Human security provides an enabling environment

³ At the end of 2002, UNHCR applied the cessation clause for East Timorese refugees in Indonesia, so that these persons are no longer considered refugees. See Sweetening *et al* (2004, p. 41 footnote no. 1).

for human development. Promoting human development is crucial for enhancing human security. Thus, agenda for enhancing human security must go beyond humanitarian action and addressing the sources of people insecurity. Building human security, therefore, requires both short term humanitarian action as well as long term peace building; and promotion of sustainable development. In this regard, the IDPs are the beneficiaries of the endeavour.

Milner (2000) distinguishes three types of security threats posed by forced migration. First, *direct threats*. These threats are derived from 'refugee warriors' and armed exiles due to 'spill-over' of conflict. Second, *indirect threats*. Such threats comprise two different type, namely *grievances threats* and *opportunity threats*.

Direct threats posed by the spill-over of conflict and refugee warriors, has by far the strongest link to forced migration. There are no intervening variables between forced migration and 'threats to state structures' as the migrants themselves are actively engaged in armed campaign against the country of origin. The facts that the location of refugee warriors on the border make their presence especially salient. Milner however, emphasized that 'refugee warriors' are not refugees and consequently do not deserve international protection. They include individual asylum seekers who committed a war crime, a crime against humanity, a serious non-political crime or a crime which is clearly disproportionate in relation to political aims. They are excluded from refugee status under Article 1 (F) of the 1951 Convention.

Regarding indirect threats, Milner (2000, p. 17) states that refugees alone are a necessary but not a sufficient cause of insecurity. The presence of refugees can deteriorate previous tensions and shift the balance of grievance and opportunity in the country of asylum. For this reason, refugees play a significant despite indirect role in causing insecurity and violence. Moreover, they have not less potential in causing threats.

By referring to Maluwa, Milner (ibid.) suggests that "unwanted migrants and refugees may cause... intercommunal tensions within the receiving state". Maluwa includes two broad sets of causes. The first set is rooted in antagonistic ethnic, cultural, religious or linguistic forces within the host population. The second is based on the potential

endangerment to the host country's social and economic stability and security, especially where the presence of large numbers of refugees begins to translate into competition for scarce jobs, economic resources and social security services. In fact, the social and economic capacity of many Third World states, magnifies these indirect threats.

Regarding grievance threats, Milner (2000, p. 18-9) contends that they are rooted in understanding of distributive justice and spheres of moral communities. By referring to Deutsch, Milner states that 'grievances' refers to an individual's or group's perception of 'unfair distribution'. Levels of grievance are a product of group identity and perception of distributive justice. Milner calls it opportunity threats. The term is rooted from the concept of 'political opportunity' defined by Tarrow. It is a 'consistent dimensions of the political environment that provide incentives for people to undertake collective action by affecting their expectation for success or failure...' Milner (2000, p. 20).

In order to have a better understanding on how forced migration relates to threats or insecurity, the next section aims to uncover by relying on empirical evidence at both national and local scale. They both derived from Indonesian recent experiences.

2. Uncovering Insecurity and IDP Within Transition to Democracy.

The Indonesia's transition to democracy was marked by the emergence of communal riots throughout the country. The sense of insecurity was mounting both within the state and the society and conflicts were inevitable. Moreover, violence took place in most places in the country.

A study by Tadjoeeddin (2002, p. 34-5) contends that the outbreak of communal violence was an important feature of the Indonesian transition period. According to the recent study by Varshney, Panggabean, and Tadjoeeddin (2004, p. 23), the number of incidents and deaths of collective violence had increased significantly from 1997 to 2001. In 1997, the number of incidents declined to 244 from 123 in 1996, while the number of deaths jumped up to 1,056 from 51. In 1998, the number of incidents turned up to 432 with 1,442 people were killed. The number of deaths reached its peak at 3,546 in 1999 while the the

number of incidents increased steadily to 523. The number of death slightly turned down to 2,585 in 2000, while the of incidents constantly inclined to 722. From 2001, the number of incidents and deaths has decreased continuously to 523 and 1,615, and then to 406 and 345. All these incidents, according to International Crisis Group (2000), indicated the chronic problems within Indonesian society: lack of resources, deficient capacity to govern. Moreover they indicated poor national cohesion capacity to address national crisis.

Based on the UNSFIR database on collective violence in 1990-2003, Varshney *et al* (2004, p. 25) argue that most of the death (9,612 people, or 89.3 percent) were took place in ethnic communal violence rather than other type of conflict, such as state-society conflicts or economically-driven conflict. Within five years following the fall of the New Order regime, Indonesia has been a country with the biggest number of IDPs in Asia (Farid: 2002, p. 1). Global IDP Project (2003, p.2) estimates about 1,4 million were displaced from 1999 to 2002. Furthermore, Consolidated Inter-Agency Appeal for Indonesia 2003 approximates that there were about 2-3 million people whom classified as conflict affected people who continue to inhabit in the conflict-devastated areas or struggle to support the additional influx of IDPs seeking refuge in their community (United Nations, 2003).

In 2002 there were 1,353,963 people being displaced from their homeland. This took place within 24 provinces throughout Indonesia. Survey on these IDPs from 14 province in the country discover that 55 percent of them live under the poverty of line. Among them, women and children were the most vulnerable groups. About 38 percent of them were living in the camps, whereas the rest were staying out of the camps—either staying at local host, their relatives or their own homes. The survey also reports that more than half of the IDP households have experience of moving twice or more with in average they were being displaced more than 18 months (Firanita and Aswatini, 2003, p. 17).

In dealing with IDPs and refugees, the Government of Indonesia created the National Coordinating Board for Disaster (BAKORNAS) which also in charge in coordinating activities for dealing with IDP situation. It has local branches known as SATKORLAK at provincial level and SATLAK at regency and municipality. They are assigned to

carry out particular policy and strategy for disaster management by coordinanting different lines ministries and layers of government. However, as argued by Sweeting *et al* (2004, p. 40), as BAKORNAS has no control over sectoral budgets, coordination has been problematic. As cyclus of disaster management took place for about two years, there was a reduction of the number of IDPs. By mid 2003, the figure fall to approximately 500,000, that was almost one-third the amount of at the peak of IDP crisis.

In sum, at the national level, the increasing number of IDPs as casualties and consequence of the growing insecurity and social violence during Indonesia's transition period is evident. On the other hand, while most of IDPs wish to return to their place of origin, or to be resettled where they can resume their lives with dignity and independence, the largest obstacle to return is security. This point was confirmed by Consolidated Inter-Agency Appeal 2003 (United Nations, 2003).

3. Analyzing Local Conflict:

The Case of Ambon and West Timor

In this section I will present the local observation of forced migration and the issue of societal insecurity. The first is the case of West Timor, East Nusa Tenggara, the second is the case of Ambon, Maluku. Let us start with the story from Ambon, a tiny island among thousands of Maluku archipelagic.

a. *Uncovering Inter communal Conflict in Ambon.*

Obsess with problem of security, authoritarian government under Suharto, has been managing inter communal tension under control under control. As centralized governance model of governance was abandoned and military rule was marginalized, social tension became manifest conflict.

Firstly conflict was erupted on 19 January 1999. As it happened, inter communal conflict then have burning Ambon and Maluku region for some time. For more than first two years of its clash, about 5,000 people have dead and around 500,000 others have been displaced

from their homes and become refugees⁴. The communal violence in Maluku was one of the worst and most severe of social conflict in terms of its casualties and its protraction.

It is interesting to note that the rumour of anti immigrants, particularly from Bugis, Butonese and Makasarese (BBM), was one of the critical issues circulating among people in the beginning of the riots. Together with Chinese bussinesmen, they dominated over the economic fields in Maluku, especially the informal sector. However, the character of the conflict then changed quickly from ethnic flavor to religious one. The fact that they are mostly Moslems may be an explanation of this rapid shift.

During the early days of its conflict, thousands of people were forced to move from Ambon to other parts of Maluku as well as of Southeast and South Sulawesi. While thousands of Moslems from Butonese, Bugis, Makasarese were forced to return to their home land in Sulawesi, thousands of Christians who lived in surrounding islands in the Maluku archipelagic were displaced to North Sulawesi and Ambon island. Within the Ambon Island itself, there were thousands of people who displaced from mixed areas where Moslem and Christian used to live together to segregated settlement based on religious affiliations. For example, Christians from Batumerah, Perigi Lima, Talake, and Galunggung were forced to migrate to Christian settlement such as Kudamati, Benteng, OSM, Karang Panjang, Mangga Dua, Belakang Soya, and Passo. On the other side, Moslems from Mardika, Batu Meja, Batu Gajah, Kudamati and Karang Panjang were displaced to Moslem settlement such as Waihong, Talake, Batumerah, Galunggung, and Kebun Cengkih.

The number of IDPs increased significantly after July 1999 when Poka and Rumah Tiga, the large mixed settlement close to the Pattimura University, were collapsed in the following of the so-called 'second

⁴ There are various estimates of the number killed and refugees and it is hard to account exactly. Estimates of those killed range from a low about 3,000 to a high of about 8,000. Ichsan Malik, a prominent *Bakubae* peace activist, estimated in November 2001 that the whole number of death in Maluku conflict is 13.428, i.e.: South-East Moluccas (Tual): 434 casualties; rest of the Moluccas: 9.753 casualties; North Moluccas: 3.241 casualties (Crisis Centre Diocese of Amboina, Report no. 210, 16 Nov 2001). According to Fitranita and Aswatini (2003, p. 19), the conflict in Maluku has resulted in the biggest IDPs compare to other kinds of violence.

round' of riot. Hundreds and even thousands of people were forced to move to their coreligionists settlements, such as Passo, Nania, Negeri Lama, Suli, Galala and Mardika for Christians and Wakal, Hitu, Mamala, Morela, Batumerah and Kebun Cengkih for Moslems. This displaced people then became the new sources for further conflict.

The continuing clashes in many areas, such as at the boundary between Batumerah and Mardika, where on 10 August around 15 people were killed and hundreds were injured, were very likely related with the increasing number of IDPs in divided area of Ambon Island. On the same day another big clash happened in Galala, a Christian area close to Poka-Rumah Tiga, led to at least 21 people being killed (Trijono, 2001, pp. 51-53). On 12 August, after a big clash in Air Besar and Ahuru, some people were killed, several buildings burnt and many people displaced from their homes (Crisis Center Keuskupan Ambon, 2001, p. 4).

The situation continued to deteriorate as a result of conflict in North Maluku, particularly after 24 October, which led to hundreds or even thousands of people being displaced to Ambon (Trijono, 2001, p. 54). The clashes continued and reached another peak on 26 December, when the Silo church and the *An Nur* mosque, both located in the center of Ambon, were burnt. This was followed by a huge massacre at Tobelo in North Maluku in the days later. The massacre at Tobelo, which resulted in about 800 Moslems deaths, and thousands being displaced, provoked Moslems outside Maluku to be involved directly in the conflict in Ambon by creating the *Laskar Jihad* (the holy warriors),⁵ which eventually exacerbated the latter period of the conflict (ICG, 2002, p.5).

⁵ The *Laskar Jihad* is the paramilitary division of the *Forum Komunikasi Ahlus Sunnah wal Jama'ah* (the Communication Forum of the Congregation of the Followers of the Prophet) or FKAJW led by Ja'far Umar Thalib. It was founded after a huge Moslem rally on 7 January 2000 at the *Lapangan Merdeka* (Freedom Square), Jakarta, following the massacre at Tobelo in North Maluku during the last week of December 1999. The rally was attended by many Moslem leaders, including Amien Rais, the chairman of the MPR and the leader of the National Mandate Party (PAN, *Partai Amanat Nasional*), and Hamzah Haz, the leader of the United Development Party (PPP, *Partai Persatuan Pembangunan*) who is now the Vice President. For further information about the *Laskar Jihad* see Greg Fealy (2001), ICG (2002), Hasan (2002) and Shoelhi (2002).

Thus, the conflict got protracted when forced migrants and the voluntary groups such as the *Laskar Jihad* became involved in promoting the spiral of violence in Maluku. It boosted the insecurity situation and led to the declaration of a state of civil emergency in Maluku on 22 June 2000 onwards by national government. But it did not mean that the violence decline soon after that. The new wave of IDPs emerged as a consequence of massive attack towards Poka, Rumahtiga, and Waai village on early days of July 2000. The capture of Waai, a Christian village located in-between two Moslem village Liang and Tulehu, for example, resulted in about 20 people killed and thousand people being displaced from their village. From chronology of the conflict, it is apparent that the large number of IDPs has become a critical factor led to prolong and protract the violence—together with other factors such as key role of religious leaders and institutions, the failure of the state, and even the partisanship of the security forces during the the clash.

Although the violence went on, any initiatives and efforts in building peace sustain to happen and reached its critical gain in February 2002 when the warring parties signed the Malino II peace agreement. In the Malino II peace accord, Moslems and Christians in Maluku and the government agreed such as: "to end all forms of conflicts and violence" and "to uphold the supremacy of justice in a fairly, stringently, honestly and impartially..." The relative peace had taken place until recently when the new violence erupted in April 2004. Why did it happen? There were at least three main factors that led to another massive clash between groups: the complete segregation of people settlement along religious lines; the big numbers of poor people, unemployed, and IDPs; and there were a lot of illegal weapons retained by people.

First, the religious communal conflict from 19 January 1999 has re-created segregated pattern of settlement in Ambon along religious lines: there are "Moslem areas" and "Christian areas" where isolated to each other. This social pattern actually can be traced back to the colonial era, which had created such segregated kind of settlement. The mixed (Moslem-Christian) settlement that significantly emerged from 1970s then disappeared in the post conflict era, and people backed to their coreligionist settlement. In such segregated settlement, a lot of people being displaced from their own kampongs and lands which located among their oponents and then have been moving into their

coreligionists. This social context is obviously a favorable setting for violence.

It was very evident during the April 2004 violence. The first clash occurred around the Trikora monument, a border zone between Christian and Moslem area, when a mass rally of the FKM supporters passed through this road on the way to the police headquarters. The major clash then took place in the frontier zone between Batu Gajah (a Christian area) and Talake (a Moslem area), resulted in many people displaced from their homes to some IDPs camps in the city of Ambon.

Second, there was high level of poverty and unemployment and big numbers of IDPs in Ambon city. The communal conflict in Ambon has produced a lot of poor, unemployed, and IDPs and increased their number in the post conflict social configuration. According to Rachman Talouhu, the Head of Development Planning Body of Ambon Municipality, the number of people who live under the poverty line increased significantly to 24 percent— which equal to 60.000 among 250.000 people who live in Ambon. Moreover, the number of registered unemployed people in Ambon alone is 26.000 people—60 percent from 43.585 people in Maluku province. The number will certainly be much higher if the unregistered unemployed people were counted on (Kompas, 22 November 2004).

The fact that Ambon city is one of the densest cities in Indonesia even before the 1999 conflict reveals the big potentials of social conflict in this old city (Voice of 234 & Ridep, 1999). During the series of communal conflict in Maluku, Ambon has been the epicenter of the violent conflict. The fact that Ambon has also been the major destination of most IDPs in Maluku resulted in accumulation of IDPs, poor people, and unemployed people (particularly youth) in the center of Ambon (see the chart??). The increasing numbers of poor, unemployed and IDPs provided a fertile soil for massive violence.

It was not merely a coincident that the major location of the April 2004 violence was the area where the poor people and IDP camps were situated. The Trikora monument area, where the first clash happened on 25 April 2004, is located close to Moslem IDP camps in Jalan Baru, Pohon Pule, and Urimessing. The participants of the pro- FKM mass rally were mostly from Kudamati and Benteng, the two main

locations of IDP camps in Ambon. The hottest spots during the April 2004 violence, the boundary between Batu Gantung and Talake, was also located within walking distance from some IDP camps such as Mangga Dua and Kudamati (in Christian area) and Talake and Waihong (Moslem area). A resident of Waihong, a Moslem area where a lot of IDPs situated, told the author, that clash among coreligionist Moslem people who live in such crowded and slum area is very frequent. He claims of witnessing at least two trivial brawls (such between two parents following kids' dispute, or between two drivers regarding traffic jammed) happen every day in his living area (interview in Ambon, May 2005).

Third, there are a lot of illegal weapons (both home-made and military standard) distributed among people in Ambon. When the police mobile brigade headquarters and armory in Tantui was attacked by people and collapsed in June 2000, it was estimated around a thousand weapons and tens of thousands of bullets were captured by people (Gani, 2002, p. 80). It is estimated around half of them still kept by people, some of them were IDPs who staying at a temporary settlement (Interview with M.A. Nahumarury, an Ambonese student who conducting research on small arms in Ambon, 8 August 2004). The availability of these instruments of violence among people in Ambon lead to the potentials of collective violence becomes higher.

During the April 2004 violence, it is estimated about 50 military standard weapon were used by people, both Moslems and Christians, some of them were likely being kept by IDPs (Interview with Nahumarury in Ambon, *ibid.*). Another terror attack took place in Lokki, a tiny village located in Ceram Island, on 16 May 2005, conducted by a group of people equipped with standard military weapons such as AK-47, MK3, US Carabine. The target of the attack was the post of police mobile brigade and resulted in 5 police personnel and two civilians were killed (*Ambon Ekspres*, 17 May 2005). Though the major actors of this terror was most likely non-local players, their connection with local actors was obvious (Interview with the Head of Ambon police, in Ambon, on 18 May 2005).

Thus, among other factors, IDPs was one of critical sources of the new violence in Ambon. According to the official data in 2003, the communal violence which has happened in Maluku from 1999 resulted

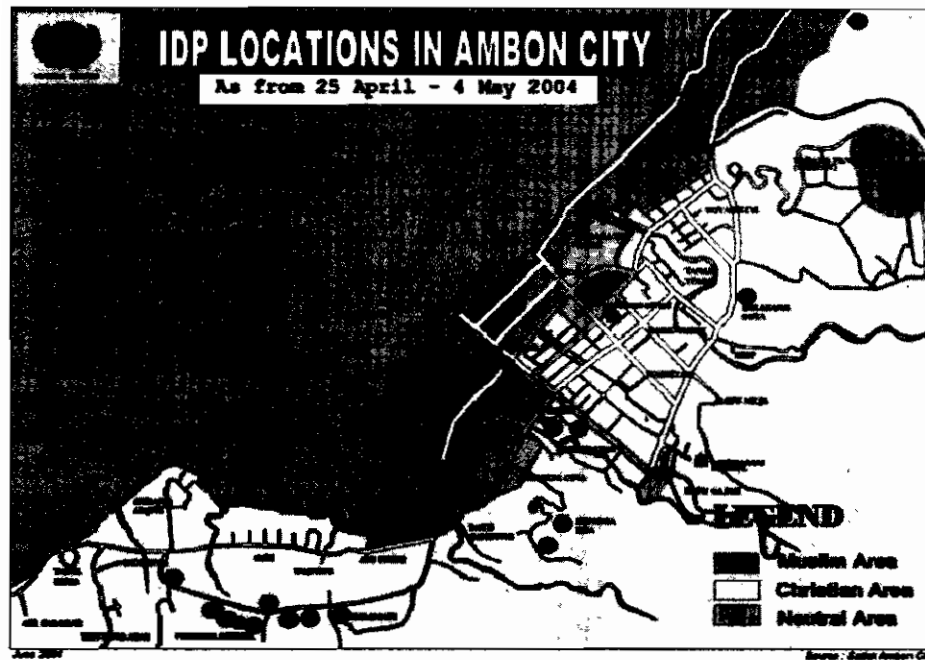
in 71.398 households and 338.728 people were displaced from their home and hometown. Up to 2004, there were 35.070 households or 170.168 people of IDPs have either been resettled by, or received financial support from, government. In 2004 provincial government plan to take care of 9.883 households of IDPs, therefore there are 29.233 households of IDPs remain in Maluku (2003). After the 25 April 2004 violence occurred in Ambon, there are (new) 3.227 households and 13.729 people displaced from their home (2004).

In taking care of IDPs from 1999 to 2004 huge amount of money have been transfered to Maluku, both from national and international resources. In handling the IDPs of 25 April 2004 alone, provincial government received Rp.33.257.813.000,00 from national government. However, what has happened up to now is the lack of transparency and accountability of the budget. The issues of corruption and nepotism were prominent in the current situation in Maluku. As written by *Ambon Ekspres* (5 August 2004), a local press, on its editorial titled: *Persoalan Pengungsi yang tak kunjung usai* (The never been finished of IDPs affairs). It writes that at least three problems emerged: first, the dissaray of the data on IDPs; second, the poor management of IDPs' affairs; and third, the corruption of the IDPs' budget. Recently, the budget for updating and fixing up the data on IDPs amount Rp. 14.544 billion had been misused and manipulated by government. Worsely, when the problems of IDPs has not been resolved yet, the IDPs was blamed and scapegoated. Another local press, *Dewa* (7 August 2004), wrote in its editorial on several cases of allegedly corruption regarding the budget for IDPs as follows: the budget of housing materials amount Rp. 18.8 billion; the budget of Waai village IDPs resettlement amount Rp. 4.3 billion; the budget of Halong's naval base IDPs resettlement amount Rp.3.2 billion, the budget of updating and fixing up the data on IDPs amount Rp.14 billion.

Thus, bad governance in handling the problems of IDPs, in terms of mis-management and poor coordination within government sector in addition with lack of transparency and accoutability, could very likely promote new social conflict and increase societal insecurity among people. An illustration of poor management and bad governance in handling these affairs were told by a coordinator of IDP camp in Masohi, Central Maluku. According to him, the distribution of IDPs'

havens and financial assistance for IDPs was very poor and unfair. Among IDPs, there were people who got more than one, even some people got up to five, while some other got nothing. Such kind of situation is very likely create a tension among IDPs themselves and between IDPs and government (Note from FGD in Masohi, 20 March 2004).

Another story of the growing insecurity among IDPs was articulated by Drs. A. Ririassa, a high school teacher who also a coordinator of IDP camp in Karang Panjang, Ambon (Interview in Ambon, 8 August 2004). Started being displaced from his house in Batumerah, a Moslem village, on early days of 1999 conflict, he began feeling of unsecure in his own camp. After more than 4 years living in IDP camp, he is now getting aware of the poor development which has happening around the area of his camp. As a consequence of bad housing, poverty, poor and unhealthy environment, juvenile delinquencies, criminalities, and prostitutions have emerged around the camp. He illustrated that the haven where he has been living in just consist very limited space so he can not hold family occasions such as chatting with his children and having dinner together. Thus, his children spend most of their time outside the haven—even outside the camp. Such situation is common for all families in the camp resulted in poor development for children, especially youth. In such social context, the rising feeling of insecurity is not strange among people. Another evident that support the argument that IDPs could be a source of social conflict and insecurity was the fact that the April 2004 violence took place only at the Ambon city, particularly at Sirimau sub-district, where IDPs were mainly located. Look at the map below:



b. *Uncovering IDP in West Timor*

The first massive group of IDPs from East Timor came into West Timor in early February 1999 following President Habibie's political decision on 27 March to let East Timorese to conduct a referendum: either keep integrating within the Republic of Indonesia or being an independent nation. East Timorese then divided into two big groups: pro-integration versus pro-independent camp. Massive conflict were escalated since then on.

An orchestration of violence and terror was reported conducted by some groups of militia sponsored by the Indonesian military toward pro-independent people. Vice versa, the pro-independent groups mobilized their forces in order to defense themselves and to launch counter-attack. Tension between two camps increased drastically and led to some groups of people was forced to migrate in order to avoid from threat and violence. On 28 April 1999, the Belu district government noted that about 1.255 households of 5.705 people were displaced from East Timor, mostly farmers. They were distributed among 63 villages in 11 sub-districts at Belu District. Most of refugees stayed in local

people housing and emergency camps which many of them were school buildings and animal quarantine houses (Rondo, no date).

Another huge number people were forced to flee as a consequence of massive and deliberate violence soon after declaration of the result of the referendum in September 1999. According to the data of East Nusa Tenggara (NTT) local government on 22 September 1999, there were approximately 286.000 people who fled from East Timor as refugees to its neighbour, West Timor, by flights, ships, and cars. UNHCR and other international NGOs soon came into this region and started to launch humanitarian programs such as providing health service, food, clean water, havens, sanitary, etc. to this people. The Government of Indonesia also launched humanitarian programs, for example, by providing them with 400 grams of rice and Rp.1,500 lumpsum per-person per-day⁶ (Rondo, no date).

The existing number of IDPs in West Timor, according to the data of Center for IDP Service (CIS)-Oxfam (2004), is 11,782 household and 51,483 people. They are distributed in Kupang (2,109 households, 4,810 people), Atambua (5,383 households, 25,204 people), and Betun (4,290 households, 21,469 people). They are staying at 120 camps (3 in Kupang, 43 in Atambua, 74 in Betun) and 7 settlements (1 in Kupang, 0 in Atambua, 6 in Betun).

Escaping from insecurity and violence in East Timor, the refugees then faced the new sorts of insecurity and violence in West Timor. Being displaced from East Timor as a consequence of insecurity and violence, the refugees then became a source and cause of another kind of societal insecurity and social violence in West Timor. Among the refugees, we can distinguish at least three kind of people: *first*, ordinary refugees (unarmed civilians), *second*, militia (armed civilians), and *third*, members of the Indonesian military who live with the others in the refugee camps (Fanggidae 2004, p. 3 footnote no. 3.)

Fanggidae (2004, p. 2-3) presents four kind of violence took place in West Timor from 1999 to presently: *first*, violent conflict among refugees; *second*, violent conflict between refugees (dominated by militias) and local people; *third*, violent conflict between refugees and staff/volunteers of humanitarian organization (including NGOs and the United Nations agencies); and *fourth*, violent behavior conducted by

⁶ Rondo notes that this program ended on 31 December 2001.

the Indonesian military (both army and the police) towards civilians, both refugees and local residents. The height of the escalation of violence involving the East Timorese refugees lasted for the period of 1999-2001. Among these, the violent conflict between refugees and local residents has been the most frequent and even still shadowing over West Timor until currently.

The violent conflict among refugees erupted, for instance, in Tuapukan village, Kupang in April 2000. It was basically a dispute between refugees from Baucau and Viqueque districts. The clash was triggered by insults from a Baucau youth towards a Viqueque youth in a gambling arena in the camp. Both groups used small arms resulting in a 60 year old refugee, and a 24 year old local resident dying in the crossfire (Fanggidae 2004, p. 2, footnote no. 1).

The violent conflict between refugees and local residents took place several times in many places. In these kinds of events, the victims were mostly those in the local community; both in terms of loss of life and loss of property. (Fanggidae, 2004, p. 2-3, especially footnote no. 2). Although in the beginning the local host welcomed the refugees with empathy and sense of solidarity, they changed their attitude and temper as a repercussion of several problems arising between them when the time moves on. The most common problems were competition for meagre resources such as land, clean water, and source of income. The perceived and actual discrepancy between the refugees and local dwellers regarding humanitarian assistance by government and international agencies could also provoke the violence. The trigger could be just a trivial dispute and brawls among youths.

The clash between refugees and the local community of Oesao, East Kupang, in September 1999, was an example. It was triggered by the beating of a local primary school teacher by a refugee, who could not accept his child being scolded by the teacher. In December 2000 another clash occurred between the local residents and refugees of Naen and Napan Camps, TTU, after a demonstration by the refugees to the Regent's Office of TTU. In January 2001, hundreds of houses of the local community were burnt and thousands had to flee to the forest as a result of attacks by the refugees in Transmigration Location Poto I, Nawen, Kupang. This event was triggered by jeering in a volleyball game (Fanggidae, *ibid.*)

A big clash happened in Tuapukan village in May 2000. Triggered by a trivial dispute among youth, a masive conflict then took place between the refugees and local people. The number of local people around 1,800 were significantly outnumbered by the number of refugees approximately 12,000 people. Moreover, many of the refugees were ex militias who equipped with light weapons and small arms and skilled with the tactics of warfare led to local people were displaced from their own village to the subdistrict office for a week (a conversation with two Tuapukan village official, Essaf and Simon, in Tuapukan village office on 23 August 2004).

Another big incident happened in September 2000 in Wanibesak, Belu district. The clash was triggered by the death of the Commander of the Laksaur Militia Batallion, Olivio Mendoza Moruk. The militias were certain that their commander was killed by a resident from the village of Wanibesak, Belu. After burning 69 houses and killing 5 local residents of Wanibesak, a crowd of refugees, dominated by the militia, demonstrated outside the regional parliament (DPRD) of Belu, and then attacked the UNHCR office in Atambua. This attack claimed the lives of 3 international staff members of the UNHCR and a local security guard. This incident then wellknown as the Atambua Tragedy – a famous case of violent conflict between refugees and staff/volunteers of humanitarian organizations (Fanggidae, 2004, p. 4 footnote no. 4). Such a kind of violent conflict

The violent action conducted by the Indonesian military (both army and the police) included torture, murder, pillaging, rape and deception. Accodring to Fanggidae (2004, p. 3), such cases were common until the beginning of 2001. In several incidents of violence and conflict, the prime actors were the armed militia. Support from the TNI/POLRI was sometimes also received directly in the field, where they acted as scouts for the violent actions of the militia. Such kind of operations also confirmed by an NGO activist (conversation in Kupang, 25 August 2004) who witnessed some tortures and killings occurred particularly close in the aftermath the declaration of the result of the referendum.

Another potential for social violence and increasing insecurity is existing problems related with ownership of (illegal) weapons by refugees, particularly by (ex) militias and (ex) military and police members.

General Wiranto estimated in the Plan to Combat Contingency, as cited by The KPP-HAM Report (in Hamish McDonald *et al.*, 2002, p. 24), that the number of 'armed forces' of the pro-integration militia is about 1,100 people with 546 weapons of various kinds, including home-made weapons. They were supported by 11,950 militant supporters joined in resistance organisations like Besi Merah Putih, Aitarak, Mahidi, Laksaur Merah Putih, Guntur Kailak, Halilintar Junior, Pancasila Team, Ablai and Red Dragon.⁷

In the post-referendum most of these militias gathered and have been staying together in the camps. Interestingly, the refugees have been commonly staying in accordance to the areas of their origins in East Timor, such as there are the camps of people from Viqueque, Baucau, Los Palos, etc. Regarding the issue of small arms belong to the (ex) militias, the Government of Indonesia launched the "Operation Tuntas Komodo" (OTK) following the Atambua tragedy in September 2000. This operation was held from the 15th of September to the 15th of November 2000 under the command of the Regional Police (Polda) of Nusa Tenggara Timur (NTT) province aimed at seizing small arms from the (ex) militias. The OTK was actually a response by the Indonesian government after the release of UN resolution 1319 on the 8th of September 2000. It involved the Police and TNI, and at the beginning involved the seizure of weapons from the refugees, but then the mandate was broadened into confiscating weapons from all groups, including the local residents (Fanggidae 2004, p.4, footnote no.5).⁸

⁷ In another part of the report, the KPP-HAM (2002, p. 26) wrote that Thomas Gonzalves (former regent of Ermera) received 300 long-barreled weapons directly from the hands of the commandant of Satgas Tribuana, Lieutenant Colonel Yayat Sudrajat. It is also reported that Serda Gabriel de Jesus, intelligent staff of the district command at Lautem, had received a drop of 40 SKS weapons from Korem several days before the pre-ballot registration. The weapons were then devoured and used by the Alfa militia.

⁸ During the OTK, there was an incident where the vice-president at the time, Megawati Sukarnoputri, together with the Coordinating Minister for Political and Security, Susilo Bambang Yudhoyono were present in Atambua to witness the surrender of arms. Eurico Gutteres, the former militia leader, got angry when he failed to meet with Megawati and tried to retake the surrendered weapons. Eurico was then tried, charged with inciting his followers to take back the arms, which had been surrendered to the police.

Eventually, the Head of the NTT Provincial Police reported that the OTK 2000 had succeeded in confiscating 120 automatic weapons, 1800 to 1900 hand-constructed weapons, and 48 explosives. The OTK 2000 concluded in Operation Citra, which ran for 2 days (14th-15th November) involving 4,000 TNI and National Police personnel. This operation was intended to ensure security for the upcoming visit of the UN Security Council to evaluate Indonesia's seriousness in responding to Resolution 1319. Weapons seized in the OTK 2000 were then to be destroyed in front of the UN Security Council. However, in the midst of the seriousness of the security agencies in implementing the OTK 2000, Cancio de Carlvalo, one of the militia commanders, declared that he wouldn't surrender arms, because he felt security was under threat. Cancio declared that the militia still had many weapons, especially locally made ones. Locally produced weapons are easily made, and also easily obtained, especially from Roti Island, a small island to the south of Timor, famous as a centre of weapons manufacture (Fanggidae 2004, *ibid.*)

Interestingly, according to UNHCR and Government of Indonesia, there is no longer illegal weapons retained by (ex) militias/armed civilians. However, some NGO activists I met in Kupang and Atambua still believe that there is a significant number of weapons, both manufactured and homemade, which still kept by the (ex) militias. In two Focused Group Discussion (FGD) with local NGO activists held in Kupang and Atambua on 24 and 25 August 2004, such opinions raised during the discussion. Some activists who involved in humanitarian programs in the refugees camps also observed that the network of (ex) militias are still working fairly well. For example, if an incident happened in East Timor areas the information would be distributed among them very soon. An NGO and religious activist in Kupang even believe in a 'conspiracy theory' revealing that West Timor will be another 'field of communal war' after the conflict in Ambon come to an end. According to him, the social condition of West Timor is very poor, the tension between refugees and local people is silently high, the potentials for violent conflict is widely available, and the network of (ex) militias as a "machine of violence" still exist under 'remote control' of the military. Thus, in his gloomy prophecy, the future of West Timor is not far from being another "hell" of communal violence between (ex) East Timorese and local people...

4. Conclusion

The rising number of social violence took place during Indonesia's transition period from authoritarianism to democracy resulted in the growing number of forced migration, particularly the IDPs. Within five years after the collapse of the New Order Indonesia has been a country with the biggest number of IDPs in Asia. Thus, it is evident that, at national level, the escalating number of IDPs is a consequence of the mushrooming of social violence during transition period. However, it is lack of evidence so far to conclude that at national level the increasing number of IDPs resulted in the proliferation of social violence. The local stories from Ambon and West Timor, on the other hand, seem to confirm that the growing number of IDPs was a consequence and simultaneously a cause of social violence as well as an indicator and at the same time a source of societal insecurity. In the context of Ambon, the increasing number of IDPs which were settled segregatedly along the religious line has aggravated and protracted the violence. In the context of West Timor, the wave of around two hundred of thousand of IDPs in the aftermath of the referendum had taken place in East Timor in August 1999 has caused several social unrest to occur from then. Though conflict and post conflict situation in Ambon and in West Timor has some different features, such as that the prior was a religious communal violence in character whereas the latter was a post-separatist conflict, both reveal a somewhat similar story about the close relationship between forced migration and societal insecurity: the rising number of forced migration be a sign of, and concurrently causes, the increasing societal insecurity.

Further examination over the two cases, however, demonstrates some critical differences. One important distinction between the two was the different character of forced migration in both areas. In the case of Ambon, people fled their area of living were forced by the devastating situation as a consequence of communal fight between Moslems and Christians. As they have moved within the border of the Indonesian nation-state so that they were classified categorically as IDPs. The situation in West Timor was fairly much more complex. The issue of border was really matter following the referendum took place in August 1999 which was resulted in the majority of Easet Timorese have chosen to be an independent nation. As a consequence the East Timor

area from then has been no longer part of Indonesia and marked the boundary line between two independent countries. Thus people who fled from East Timor to the West Timor have been recognized as refugee according to the international covenant—though its status was canceled in the end of 2002. The situation became more complicated since the reasons and the characters of the refugees were various. Many refugees run away voluntarily and intentionally to West Timor in order to express their political choice of being part of Indonesian nation. Some other groups fled under the pressure conducted by Indonesian military forces and pro-Indonesian militias. As a repercussion refugees were divided along their social and political orientation: some parts wish to stay in Indonesia while some other parts wish to return to their area of origin in East Timor. This distinction produces different consequence to the issue of societal insecurity. In the case of Ambon the number of IDPs enhanced the capacities of the host communities in causing insecurity toward their opponents, whereas in West Timor some refugees have been the burden of, and created tension with and caused societal insecurity within, local people who being the host community.

In sum, forced migration, social violence and societal insecurity are three issues which interlink to each other both theoretically and empirically. Theoretically, social violence frequently causes forced migration to happen and a certain level of forced migration could create societal insecurity and might produce another social violence to occur. An observation to Indonesian national picture reveals that the increasing number of forced migration is obviously a consequence of the growing social violence and societal insecurity during transition period, though it is a lack of evidence so far to making conclusion that the inclining number of forced migration resulted in the escalation of societal insecurity and social violence. The portrait at the local level in the case of Ambon and West Timor, however, endorse the thesis that the escalating number of forced migration resulted in the increasing societal insecurity and social violence. *****

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